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Attorney Docket: 060256-0268081  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:  
HUTTUNEN  
Application No.: 09/529,991

Confirmation Number: 7245

Group Art Unit: 2665

Filed: April 24, 2000

Examiner: Ho, Duc Chi

Title: METHOD FOR CONTROLLING LOAD IN A TELECOMMUNICATION SYSTEM

REQUEST FOR RECONSIDERATION

Mail Stop Non-Fee Response  
Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

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Technology Center 2600

Sir:

In response to the Office Action dated October 28, 2003, please reconsider the patentability of the pending claims based on the following remarks.

Although the Office Action indicated a willingness to allow claims 3-6 and 12-15, Applicants delay rewriting these claims at this time so that the Office may reconsider the allowability of the base claims based on the remarks herein.

The Office Action rejected claims 1-2, and 8-11 under 35 U.S.C. §102(e) as being unpatentable in view of Turina (U.S. 5,784,362). Additionally, claims 7 and 16 have been rejected under 35 U.S.C. §103(a) as being obvious from Turina and Hjelm et al. (US 6,529,497; hereafter "Hjelm").

Applicant traverses these rejections because Turina and Hjelm, analyzed individually or in combination fail to disclose, teach or suggest a method for controlling load in a telecommunication system including, the method comprising "controlling the telecommunication system load by adjusting the capacity of the channel used for relaying the channel allocation requests" as recited in independent claim 1, and its dependent claims 2 and 7-9. Similarly, Hjelm fails to disclose, teach or suggest a telecommunication system "wherein . . . the telecommunication system is arranged to control load by adjusting the capacity of the channel used for relaying the channel allocation requests," as recited in independent claim 10 and its dependent claim 11 and 16.

The Office Action asserted that controlling the telecommunication system load by adjusting the capacity of the channel used for relaying the channel allocation requests is disclosed by Turina at the passage at col. 51, line 50 to col. 61, line 67. However, Turina, analyzed in total and particularly in Fig. 4A teaches that there is an uplink channel which is capable of transmitting both Random access requests (Ra) and user data (DATA 1(4) and so on) from 8 simultaneous users in a GSM/GPRS system. That is, the random access request channel and user data channel share the same physical medium.

In Turina, when a user wishes to reserve resources, he transmits a random access request in a timeslot marked as "f". The network then reserves the requested amount of resources by marking the number of time slots indicated in the random access request with USF="R". Timeslots marked "R" cannot be used (by any user) for transmitting random access requests. Thus, Turina merely discloses a conventional and well-known resource allocation scheme used in, for example, a GPRS system.

In Turina, the number of available time slots for transmitting random access requests changes as a function of time because different numbers of timeslots may be allocated to user data at different times. However, this change over time is not equivalent to adjusting the capacity of the channel used for relaying the channel allocation requests, as recited in the rejected claims, because Turina does not suggest that marking of timeslots as f or R would be controlled in any way; rather, in Turina, allocation of timeslots to users depends on users' needs, not the network's. Therefore, Turina fails to disclose teach or suggest any active decision involving considering the load of the telecommunication system to decide whether a time slot shall be marked as f/R. Therefore, the invention recited in the rejected independent claims 1 and 10 clearly differs from Turina.

Moreover, Applicant submits that claim 2 is patentable over the teachings of Turina for the additional reason that the Office Action's assertion that adding a channel equates to adjusting capacity of the channel is incorrect. Adjusting the capacity of a channel requires affecting the resources of a single channel not augmenting those resources by adding a completely new channel.

Hjelm fails to remedy these deficiencies of Turina because Hjelm merely discloses how a channel is allocated to a mobile station (see col. 6, line 60 to col. 7, line 39). As illustrated in Figure 2A, in event 2-10, it is checked whether there are available General Packet Radio Service (GPRS) channels. If such a channel is available, at event 2-11, it is reserved at event 2-12 by sending a channel assignment to a mobile station. If there are no

available channels, it is checked, in event 2-13, whether a channel can be obtained from a GPRS Idle list. If the GPRS Idle list indicated no available channels, it is checked whether a channel can be obtained from a GSM idle list. Thus, Hjelm merely discloses a typical dynamic channel allocation method where the number of traffic channels is changed according to need.

In fact, the teachings of Hjelm actually highlight the patentable distinction between the claimed invention and the prior art. Hjelm discloses how load of a telecommunications system is controlled, but in fact uses timers (see, col. 11) to control the amount of reservations that are made by the users. Therefore, Hjelm actually teaches away from the present invention by illustrating the conventional technique for solving matters in a telecommunications system.

Accordingly, the hypothetical combination of the cited references does not result into the invention as claimed because neither Turina nor Hjelm disclose adjustment of capacity of the channel relaying channel allocation requests. Therefore, the prior art rejections are traversed and the pending claims are allowable.

All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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